

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TRACY JEAN BELL,

Defendant.

CR 22–23–M–DLC

ORDER

Before the Court is United States Magistrate Judge Kathleen L. DeSoto’s Findings & Recommendation Concerning Plea. (Doc. 114.) Because neither party objected, they are not entitled to *de novo* review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Tracy Jean Bell is charged by Indictment with one count of conspiracy to distribute methamphetamine, in violation of 21 U.S.C. § 846 (Count I) and two counts of possession with intent to distribute methamphetamine, in violation of 21

U.S.C. § 841(a)(1) (Counts II and IV) (Doc. 2), and he has been charged by Superseding Information with one count of conspiracy to distribute methamphetamine, in violation of 21 U.S.C. § 846 (Doc. 105). Judge DeSoto recommends that this Court accept Mr. Bell's guilty plea as to the Superseding Information after he appeared before her pursuant to Federal Rule of Criminal Procedure 11. The minute entry for the change of plea hearing conducted by Judge DeSoto in this matter reflects that Mr. Bell entered a plea of guilty to Count 1 of the Superseding Information (Doc. 110), and the plea agreement in this matter reflects that this is the plea the parties intended (Doc. 106). The Findings and Recommendation contains a typographical error suggesting that Mr. Bell entered a plea of guilty to Count II of the Indictment and recommending that Counts I, III, and IV of the Indictment be dismissed, and the Court thus does not adopt that aspect of the Findings and Recommendation, but the Court adopts the Findings and Recommendation in all other respects, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Judge DeSoto's Findings and Recommendation (Doc. 114) is ADOPTED in part, subject to the revisions above.

IT IS FURTHER ORDERED that Mr. Bell's motion to change plea (Doc. 103) is GRANTED.

IT IS FURTHER ORDERED that Tracy Jean Bell is adjudged guilty as charged in the Superseding Information.

DATED this 7th day of August, 2023.



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Dana L. Christensen, District Judge  
United States District Court